

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Alexandria Division

In re:

BARBARA A. CARR,

Debtor.

Case No. 05-11697-RGM
(Chapter 7)

MEMORANDUM OPINION

James Keho signed a pleading as attorney-in-fact for Barbara Ann Carr which he filed on March 19, 2008. It requests an emergency hearing to compel Wachovia Bank, N.A., as trustee of a trust fund of which Ms. Carr is purportedly a beneficiary, to make a distribution to her.

It appears odd that Mr. Kehoe signed the document under the statement “Respectively submitted and signed by Mr. James A. Kehoe, as specifically directed in the physical presence of Barbara Ann Carr on March 16, 2008.” If in fact, Mr. Kehoe was in the physical presence of Ms. Carr on March 16, 2008, there is no reason suggested why she could not have signed this pleading herself. The court previously admonished Mr. Kehoe, who is not licensed to practice law in the Commonwealth of Virginia, that he may not practice law. This includes signing pleadings on behalf of another party.

It also appears that Ms. Carr is represented by counsel, that is, Steven H. Greenfeld of Cohen Baldinger & Greenfeld, LLC. When a party is represented by counsel, counsel and counsel alone should be filing the pleadings. If there is a disagreement between client and attorney, the attorney should withdraw.

Upon reviewing the pleading, it does not appear that this court has jurisdiction with respect to the matter alleged. It alleges that Wachovia Bank, N.A., is trustee of the Robert A. Geary Family Trust established under the will of Robert A. Geary. It has the discretionary

power to make distributions from the trust to Ms. Carr. The issue presented is whether the trustee ought to be compelled to make a distribution. The trust was established under a will probated in the Circuit Court for the City of Chesapeake. This matter is solely a matter of state law. It does not appear that this court has jurisdiction over this matter and that it ought to be resolved by the state court which already has jurisdiction over the parties. The motion will be stricken from the docket because it was not signed by the debtor or an attorney licensed to practice law in the Commonwealth of Virginia.

Alexandria, Virginia
March 19, 2008

/s/ Robert G. Mayer
Robert G. Mayer
United States Bankruptcy Judge

Copy electronically to:

Steven H. Greenfeld
Kevin M. O'Donnell
Richard A. Bartl

Copy mailed to:

Barbara A. Carr
P. O. Box 9524
McLean, Virginia 22102

14114